

Conservation Division  
266 N. Main St., Ste. 220  
Wichita, KS 67202-1513

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner



2015-06-04 11:15:31  
Kansas Corporation Commission  
/s/ Amy L. Gilbert

Phone: 316-337-6200  
Fax: 316-337-6211  
<http://kcc.ks.gov/>

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

### 15-CONS-873-CPEN

This is a notice of a penalty assessment for violation of Kansas oil and gas conservation statutes, rules, and regulations. For a full description of the penalty and process please refer to the Penalty Order that is attached to this notice.

#### **IF YOU ACCEPT THE PENALTY:**

The Penalty Order may include the assessment of a monetary penalty. You have 30 days from the service date of this Penalty Order to pay \$600. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Conservation Division of the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, and must include a reference to the docket number of this proceeding. Credit card payment may be made by calling the Conservation Division at 316-337-6200.

The Penalty Order may require you to perform certain actions by deadlines stated therein. Compliance must be obtained by the applicable deadlines to avoid further compliance actions. If you have any questions about how compliance can be obtained, you may contact the legal department or the appropriate department or district office.

#### **IF YOU CONTEST THE PENALTY:**

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven copies of the request to the Commission, at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days, plus three days to account for the mail, from the mailed date on the last page of the Penalty Order. K.A.R. 82-1-215.

#### **IF YOU FAIL TO ACT:**

Failure to either comply with the penalty order or request a hearing will result in the attached Penalty Order becoming a Final Order. Failure to comply or request a hearing by the deadlines in the Penalty Order may result in additional sanctions, including additional monetary penalties, the suspension of your oil and gas operating license, and the shutting-in of all operations until compliance is obtained.

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                      Shari Feist Albrecht, Chair  
                                                         Jay Scott Emler  
                                                         Pat Apple

In the matter of the failure of BPG Capital, LLC ("Operator") to report activity that occurred during the 2014 calendar year in compliance with K.A.R. 82-3-409.	)	Docket No.: 15-CONS-873-CPEN
	)	
	)	CONSERVATION DIVISION
	)	
	)	License No.: 35005

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**PENALTY ORDER**

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION**

1.        K.S.A. 74-623 provides that the Commission has the exclusive jurisdiction and authority to regulate oil and gas activities. K.S.A. 55-152 provides that the Commission has jurisdiction to regulate the construction, operation, and abandonment of any well and the protection of the usable water of this state from any actual or potential pollution from any well. The Commission has licensing authority pursuant to K.S.A. 55-155.

2.        K.S.A. 55-162 and K.S.A. 55-164 provide the Commission with authority to issue a Penalty Order regarding a violation of Chapter 55 of the Kansas Statutes Annotated, or of any rule, regulation, or order of the Commission. A Penalty Order may include a monetary penalty of up to \$10,000, and each day of a continuing violation constitutes a separate violation.

3.        K.A.R. 82-3-409 provides that each operator of an injection well shall submit a report to the Conservation Division, on a form required by the Commission, showing for the previous calendar year the following information:

- a. The monthly average wellhead pressure;
- b. The maximum wellhead pressure;
- c. The amount and kind of fluid injected into each well; and
- d. Any other performance information that may be required by the Conservation Division.

4. K.A.R. 82-3-409 further provides that the report shall be submitted on or before March 1 of the following year, and that failure to timely file an annual injection report shall be punishable by a \$100 penalty.

## **II. FINDINGS OF FACT**

5. Operator is responsible for the care and control of the well or wells listed in Exhibit A. Exhibit A, which is attached and incorporated into this Order, shall serve as the concise and explicit statement of facts required by K.S.A. 77-526.

6. As described in Exhibit A, Operator has failed to file an annual fluid injection report or reports, describing well activity during the 2014 calendar year.

## **III. CONCLUSIONS OF LAW**

7. The Commission concludes that it has jurisdiction over Operator and this matter under K.S.A. 55-152 and K.S.A. 74-623.

8. The above findings of fact are sufficient evidence to support the conclusion that Operator committed six violation(s) of K.A.R. 82-3-409, because Operator failed to file the necessary annual fluid injection report or reports.

### **THEREFORE, THE COMMISSION ORDERS:**

- A. Operator shall pay a \$600 penalty.
- B. Operator shall file the required annual fluid injection report or reports.

C. If no party requests a hearing, and Operator is not in compliance with this Order within 30 days, then Operator's license shall be suspended without further notice. The notice and opportunity for a hearing on this order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. The Commission may impose further sanctions, including additional monetary penalties and any other remedies available to the Commission by law, without further notice.

D. Checks and money orders shall be payable to the Kansas Corporation Commission. For credit card payments, include the type of card (Visa, MasterCard, Discover, or American Express), account number, and expiration date. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding.

E. Any party may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing.

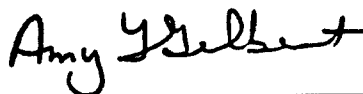
F. If a party requests a hearing, a corporation or similar entity shall not be permitted to enter an appearance except by its attorney. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUN 2 2015

  
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Amy L. Gilbert  
Secretary

Mailed Date: JUNE 4, 2015

JRM

## **PENALTY ORDER RECOMMENDATION**

### **\*\*\*ROUTINE ANNUAL FLUID INJECTION REPORT (U3C) VIOLATION\*\*\***

*Note: this sheet will be attached to the Order that is mailed to the operator.*

<b>Date of Recommendation:</b>	May 20, 2015
<b>District/Department:</b>	UIC Department
<b>Person Recommending Penalty:</b>	Sanita Dean (Rene Stucky, Supervisor)
<b>Operator Name:</b>	BPG Capital, LLC
<b>Operator License Number:</b>	35005
<b>Well/Lease Name &amp; Well Number:</b>	BURRIS B-31
<b>Well/Lease Location, and County:</b>	7-34S-14E, MONTGOMERY County
<b>Well API Number:</b>	15-125-02255-00-01
<b>UIC Docket Number:</b>	E30781.1
<b>Regulation Number:</b>	K.A.R. 82-3-409
<b>Description of Violation:</b>	Failure to submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.
<b>Date U3C Due Per Regulation</b>	3/01/15
<b>Date of Notice of Violation Letter</b>	4/16/15
<b>Deadline in Notice of Violation Letter:</b>	4/30/15
<b>Requested Monetary Penalty:</b>	\$100
<b>Requested Operator Activity:</b>	Submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.

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<b>District/Department:</b>	UIC Department
<b>Person Recommending Penalty:</b>	Sanita Dean (Rene Stucky, Supervisor)
<b>Operator Name:</b>	BPG Capital, LLC
<b>Operator License Number:</b>	35005
<b>Well/Lease Name &amp; Well Number:</b>	Burris L&W #6
<b>Well/Lease Location, and County:</b>	7-34S-14E, MONTGOMERY County
<b>Well API Number:</b>	15-125-32039-00-01
<b>UIC Docket Number:</b>	E30781.2
<b>Regulation Number:</b>	K.A.R. 82-3-409
<b>Description of Violation:</b>	Failure to submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.
<b>Date U3C Due Per Regulation</b>	3/01/15
<b>Date of Notice of Violation Letter</b>	4/16/15
<b>Deadline in Notice of Violation Letter:</b>	4/30/15
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<b>Operator Name:</b>	BPG Capital, LLC
<b>Operator License Number:</b>	35005
<b>Well/Lease Name &amp; Well Number:</b>	PETERSON A I-119
<b>Well/Lease Location, and County:</b>	7-34S-14E, MONTGOMERY County
<b>Well API Number:</b>	15-125-01931-00-00
<b>UIC Docket Number:</b>	E09034.10
<b>Regulation Number:</b>	K.A.R. 82-3-409
<b>Description of Violation:</b>	Failure to submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.
<b>Date U3C Due Per Regulation</b>	3/01/15
<b>Date of Notice of Violation Letter</b>	4/16/15
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<b>Person Recommending Penalty:</b>	Sanita Dean (Rene Stucky, Supervisor)
<b>Operator Name:</b>	BPG Capital, LLC
<b>Operator License Number:</b>	35005
<b>Well/Lease Name &amp; Well Number:</b>	PETERSON A L-117
<b>Well/Lease Location, and County:</b>	7-34S-14E, MONTGOMERY County
<b>Well API Number:</b>	15-125-20784-00-00
<b>UIC Docket Number:</b>	E09034.79
<b>Regulation Number:</b>	K.A.R. 82-3-409
<b>Description of Violation:</b>	Failure to submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.
<b>Date U3C Due Per Regulation</b>	3/01/15
<b>Date of Notice of Violation Letter</b>	4/16/15
<b>Deadline in Notice of Violation Letter:</b>	4/30/15
<b>Requested Monetary Penalty:</b>	\$100
<b>Requested Operator Activity:</b>	Submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.

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<b>Person Recommending Penalty:</b>	Sanita Dean (Rene Stucky, Supervisor)
<b>Operator Name:</b>	BPG Capital, LLC
<b>Operator License Number:</b>	35005
<b>Well/Lease Name &amp; Well Number:</b>	PETERSON A W 1
<b>Well/Lease Location, and County:</b>	7-34S-14E, MONTGOMERY County
<b>Well API Number:</b>	15-125-02376-00-00
<b>UIC Docket Number:</b>	E09034.83
<b>Regulation Number:</b>	K.A.R. 82-3-409
<b>Description of Violation:</b>	Failure to submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.
<b>Date U3C Due Per Regulation</b>	3/01/15
<b>Date of Notice of Violation Letter</b>	4/16/15
<b>Deadline in Notice of Violation Letter:</b>	4/30/15
<b>Requested Monetary Penalty:</b>	\$100
<b>Requested Operator Activity:</b>	Submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.

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<b>Operator Name:</b>	BPG Capital, LLC
<b>Operator License Number:</b>	35005
<b>Well/Lease Name &amp; Well Number:</b>	PETERSON A W3
<b>Well/Lease Location, and County:</b>	7-34S-14E, MONTGOMERY County
<b>Well API Number:</b>	15-125-02377-00-01
<b>UIC Docket Number:</b>	E09034.1
<b>Regulation Number:</b>	K.A.R. 82-3-409
<b>Description of Violation:</b>	Failure to submit Annual Fluid Injection Report (U3C), reporting well activity during the 2014 calendar year.
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<b>Date of Notice of Violation Letter</b>	4/16/15
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**CERTIFICATE OF SERVICE**

I certify that on 6/4/2014, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Brad Pratt  
BPG Capital, LLC  
100 N. College Street, Suite 408  
Waxahachie, TX 75165

/s/ Jonathan R. Myers  
Jonathan R. Myers  
Litigation Counsel  
Kansas Corporation Commission